

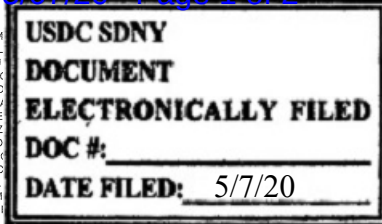
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May 7, 2020

VIA ECF

The Honorable Barbara Moses
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *ABB Verwaltungs Ltd. v. General Electric Co.*, No. 19-cv-8372-BCM
Joint Status Letter/Adjournment Request

Dear Judge Moses:

We write on behalf of plaintiff ABB Verwaltungs Ltd. (“ABB”) and with the consent of counsel for defendant General Electric Company (“GE”) with respect to the Court’s order dated December 10, 2019, directing the parties to “submit a joint status letter outlining the progress of discovery to date” in advance of the May 12, 2020, status conference. ECF No. 28. The choice of May 12, 2020 as the date for the status conference was made in December when the fact discovery cutoff was set for May 31, 2020, and the conference is intended to address any discovery disputes, whether expert discovery will be necessary and the schedule therefor, as well as the status of settlement discussions. Given this Court’s March 16, 2020 Order extending all discovery deadlines by 30 days to June 30, 2020 due to the COVID-19 outbreak, ECF No. 36, and given the settlement process the parties are engaged in as set out in greater detail below, the parties respectfully request that this Court reschedule the telephonic status conference to the week of June 8, 2020, at the Court’s convenience.

To date, the parties have exchanged written discovery and collected the universe of documents from the relevant custodians. In the case of ABB, this process has entailed working through the different data privacy regulations applicable to multiple ABB custodians in Switzerland, Germany and other European countries.

Judge Barbara Moses, p. 2

In March, coincident with the onset of the COVID-19 pandemic, counsel for GE approached us about the possibility of engaging in a settlement process with the goal of resolving the parties' dispute in its entirety, not merely the gating issue that is before the Court, which is whether certain Canadian post-retirement benefits are, in whole or in part, the subject of a "Transferred Pension Plan," and thus whether a dispute relating to what ABB alleges is an "Underfunding Amount" of up to \$7.68 million is to be referred to a Third Party Actuary for resolution. GE proposed, and ABB agreed, that GE detail its legal position in writing and ABB respond, followed by business executive discussions, in the hopes of ascertaining whether a resolution of the entire matter is possible before the parties expended the resources to complete document review and production and to conducted fact witness depositions. The exchange of detailed legal positions is in process, and we should know by the end of May 2020 whether a negotiated resolution in the near term is feasible. GE has also agreed with ABB that, should a consensual resolution by month-end not be attainable, the parties would jointly apply to the Court for an extension of the June 30, 2020 discovery deadline.

For these reasons, the parties respectfully submit that the most efficient course is to adjourn the conference to a date the week of June 8, 2020, at the Court's convenience, by which time we will know if the case has been resolved or how much more time the parties will need to complete fact discovery.

We thank the Court for its consideration of this letter request.

Sincerely,


Boaz S. Morag

cc: All counsel of record via ECF

Application GRANTED to the extent that the telephonic status conference scheduled for May 12, 2020, at 10:00 a.m, is ADJOURNED to **June 8, 2020, at 11:00 a.m.** The parties' deadline to submit their pre-conference letter regarding the status of discovery and their settlement efforts (*see* Dkt. No. 28 para. 7) is EXTENDED to **June 1, 2020**. SO ORDERED.



Barbara Moses, U.S.M.J
May 7, 2020